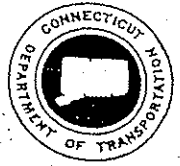


STATE OF CONNECTICUT
DEPARTMENT OF TRANSPORTATION



2800 BERLIN TURNPIKE, P.O. BOX 317546
NEWINGTON, CONNECTICUT 06131-7546

Phone:

(860) 594-2875

DOCKET NO. 0606-R-50-R

RE: IN THE MATTER OF THE PETITION FROM THE TOWN OF REDDING
TO RELOCATE AND IMPROVE THE SAFETY OF A RAILROAD/HIGHWAY AT
GRADE CROSSING ON THE DANBURY BRANCH OF THE METRO-NORTH
COMUTER RAILROAD COMPANY ON NORTH MAIN STREET REDDING,
CONNECTICUT.

FINAL DECISION

August 7, 2006

I. INTRODUCTION

A. Petitioner's Proposal

By petition dated April 27, 2006, pursuant to Connecticut General Statutes, Section 13b-272, 13b-343 and 4-177 through 182 and assigned Docket No. 0606-R-50-R, the Town of Redding (petitioner), proposes to relocate a railroad crossing, modernize the railroad flashing lights, install vehicular gates, modify the crossing surface and reconstruct the roadway approaches on the Danbury Branch of the Metro-North Commuter Railroad Company on North Main Street, Redding, Connecticut.

B. Hearing Held

Pursuant to Connecticut General Statutes Section 13b-343, a public hearing on this petition was held at the administrative offices of the Department of Transportation, in Newington, Connecticut on August 3, 2006.

Notice of the petition and hearing to be held thereon was given to the petitioner and to such other parties as deemed necessary by the department. Legal notice to the public was given by publication in the Danbury News Times, a newspaper having circulation in the area of concern.

The hearing on this matter was conducted by a hearing officer, designated by the Commissioner of Transportation, pursuant to Connecticut General Statutes Section 13b-17.

C. Appearances

Ms. Natalie Ketcham, First Selectman of the Town of Redding, appeared on behalf of the petitioner. Ms. Ketcham's office is located at the Town Office Building, 100 Hill Road, Box 1028, Redding, Connecticut 06875-1028.

Mr. Stephen Curley, Rail Officer II, appeared on behalf of the Bureau of Public Transportation, Regulatory & Compliance Unit. Mr. Curley's address is 50 Union Avenue, 3rd Floor West, New Haven, Connecticut 06519.

II. FINDINGS OF FACT

1. The subject crossing is on the Danbury Branch of the Metro-North Commuter Railroad Company on North Main Street, Redding, Connecticut. The Town of Redding wishes to relocate and upgrade the railroad crossing as part of a project which is a combination of residential, retail and recreational uses by the Georgetown Land Development Company.

2. The existing warning devices at the current railroad crossing are railroad flashing lights, signing and pavement markings. The proposal seeks to improve crossing safety by relocating the

crossing and modernizing railroad flashing lights, installing vehicular gates, modifying the crossing surface and reconstructing the roadway approaches.

3. The subject rail line operates 20 trains a day over the crossing with speeds up to 50 mph.

4. There are approximately 950 motor vehicle movements over the railroad crossing on a daily basis.

5. Metro-North Commuter Railroad will construct the proposed crossing relocation and device improvements and will assume responsibility for the continuous maintenance of the improvements.

6. The anticipated completion date of the proposed improvements is the year 2007.

7. The Regulatory and Compliance Unit, after receiving the plans and conducting a review, is in favor of the proposal with specific conditions.

8. Plans for the placement of devices were submitted at the hearing as petitioner's exhibits 1, 2 and 3.

9. The Town of Redding and the Town of Wilton are in full support of the proposed crossing improvements.

10. The improvements will enhance the safety of the public at the crossing.

III. CONCLUSIONS OF LAW

The petitioner's request is to provide for improvement to the aforementioned crossing in accordance with Connecticut General Statutes Sections 13b-272 and 13b-343.

The relocation and upgrade proposal to modern active warning devices, that will be installed, and maintained by Metro North Commuter Railroad, has the support of Towns of Redding and Wilton and the Department's Regulatory and Compliance Unit. The Regulatory & Compliance Unit has requested several conditions to their support, as follows:

1. The railroad/highway at-grade crossing number 500583U at North Main Street in Redding will be relocated 579 feet north of its current position at mile post 12.01, as shown in exhibit 1. The installation of railroad flashing lights, railroad vehicular gates, related track circuitry, pavement markings, signing, rubber crossing surface and all other warning devices associated with the relocated railroad/highway at-grade crossing be in accordance with the latest edition of the Manual on Uniform Traffic Control Devices and operated within the Department's Rail Regulatory and Compliance Unit.

2. The installation of railroad flashing lights including cantilever lights, vehicular gates and related track circuitry and rubber crossing surface will be preformed by Metro-North Commuter Railroad by way of a railroad force account agreement with the Georgetown Land Development Company. Pavement markings and railroad signs will be installed by the Georgetown Land Development Company.

3. The Town of Redding shall deed land to the State of Connecticut, at no cost, to place and maintain railroad vehicular gates at the southwest quadrant of the relocated railroad crossing, prior to the issuance of an encroachment permit.

4. The removal of the existing railroad/highway at-grade crossing is in compliance with the guidelines issued by the Department's Rail Regulatory and Compliance Unit. As part of the removal, a jersey barrier will be installed in the crossing and rubber crossing surface, railroad flashing lights and other related appurtenances will be removed as shown on exhibit 2. The work is to be preformed by Metro-North Commuter Railroad by way of a railroad force account agreement with Georgetown Land Development Company. The installation of signing designating the closing of the railroad crossing will be installed by the Georgetown Land Development Company. The existing crossing will not be taken out of service until the relocated crossing is operational and approved by the Department's Rail Regulatory and Compliance Unit.

5. Fencing is to be installed and maintained by the Georgetown Land Development Company between the property owned by the Georgetown Land Development Company and the Metro-North Commuter Railroad right-of-way as shown on exhibit 3. Any flagging protection services provided by Metro-North Commuter Railroad needed during the installation of the fencing will be reimbursed by the railroad forced account agreement.

6. Vegetation and rock outcrop within the Georgetown Land Development Company and Metro North Commuter Railroad right-of-way be removed by the Georgetown Land Development Company in order to increase sight distance at the relocated railroad crossing. Any flagging protection services provided by the Metro-North Commuter Railroad during the trimming of vegetation or removal of rock outcrop will be reimbursed by the railroad force account agreement.

7. The Department of Transportation shall be reimbursed for all costs incurred with the redesign and addendum/construction change order of State Project No. 302-0007, the Danbury Branch Centralized Traffic Control Project associated with the relocation of the railroad/highway at-grade crossing and construction of the railroad platform station.

8. The Georgetown Land Development Company is required to perform a queue study of North Main Street at its intersection with Route 7 six months after the full occupancy date, the year 2008, is reached to determine if queuing of westbound traffic reaches the relocated railroad

crossing. If the queue study determines there is a problem, the Georgetown Land Development Company will be responsible to revise a proposed traffic control signal at Route 7 and North Main Street to provide force-off detection on the westbound approach on North Main Street.

9. Proposed construction will be governed by the provisions of the Department of Transportation's Standards Specifications for Road, Bridges and Incidental Construction and in accordance with the Standards and Specifications of the Association of American Railroads and American Railway Engineering Association.

The evidence of record is clear that a grant of the proposal will enhance the public safety at this crossing and that approval of the proposal is in order.

IV. ORDER

Based on the evidence of record and pursuant to Connecticut General Statutes Sections 13b-272, 13b-343 and 4-177 through 182, the following safety measures and orders shall be undertaken:

- ✓ 1. The railroad/highway at-grade crossing number 500583U at North Main Street in Redding will be relocated 579 feet north of its current position at mile post 12.01, as shown in exhibit 1. The installation of railroad flashing lights, railroad vehicular gates, related track circuitry, pavement markings, signing, rubber crossing surface and all other warning devices associated with the relocated railroad/highway at-grade crossing be in accordance with the latest edition of the Manual on Uniform Traffic Control Devices and operated within the Department's Rail Regulatory and Compliance Unit.
- ✓ 2. The installation of railroad flashing lights including cantilever lights, vehicular gates and related track circuitry and rubber crossing surface will be preformed by Metro-North Commuter Railroad by way of a railroad force account agreement with the Georgetown Land Development Company. Pavement markings and railroad signs will be installed by the Georgetown Land Development Company.
3. The Town of Redding shall deed land to the State of Connecticut, at no cost, to place and maintain railroad vehicular gates at the southwest quadrant of the relocated railroad crossing, prior to the issuance of an encroachment permit.
- ✓ 4. The removal of the existing railroad/highway at-grade crossing is in compliance with the guidelines issued by the Department's Rail Regulatory and Compliance Unit. As part of the removal, a jersey barrier will be installed in the crossing and rubber crossing surface, railroad flashing lights and other related appurtenances will be removed as shown on exhibit 2. The work is to be preformed by Metro-North Commuter Railroad by way of a railroad force account agreement with Georgetown Land Development Company. The installation of signing designating the closing of the railroad crossing will be installed by the Georgetown Land Development Company. The

existing crossing will not be taken out of service until the relocated crossing is operational and approved by the Department's Rail Regulatory and Compliance Unit.

5. Fencing is to be installed and maintained by the Georgetown Land Development Company between the property owned by the Georgetown Land Development Company and the Metro-North Commuter Railroad right-of-way, as shown on exhibit 3. Any flagging protection services provided by Metro-North Commuter Railroad needed during the installation of the fencing will be reimbursed by the railroad forced account agreement.

6. Vegetation and rock outcrop within the Georgetown Land Development Company and Metro North Commuter Railroad right-of-way be removed by the Georgetown Land Development Company in order to increase sight distance at the relocated railroad crossing. Any flagging protection services provided by the Metro-North Commuter Railroad during the trimming of vegetation or removal of rock outcrop will be reimbursed by the railroad force account agreement.

7. The Department of Transportation shall be reimbursed for all costs incurred with the redesign and addendum/construction change order of State Project No. 302-0007, the Danbury Branch Centralized Traffic Control Project associated with the relocation of the railroad/highway at-grade crossing and construction of the railroad platform station.

8. The Georgetown Land Development Company is required to perform a queue study of North Main Street at its intersection with Route 7 six months after the full occupancy date, the year 2008, is reached to determine if queuing of westbound traffic reaches the relocated railroad crossing. If the queue study determines there is a problem, the Georgetown Land Development Company will be responsible to revise a proposed traffic control signal at Route 7 and North Main Street to provide force-off detection on the westbound approach on North Main Street.

9. Proposed construction will be governed by the provisions of the Department of Transportation's Standards Specifications for Road, Bridges and Incidental Construction and in accordance with the Standards and Specifications of the Association of American Railroads and American Railway Engineering Association.

Dated at Newington, Connecticut, on this 7th day of August, 2006.

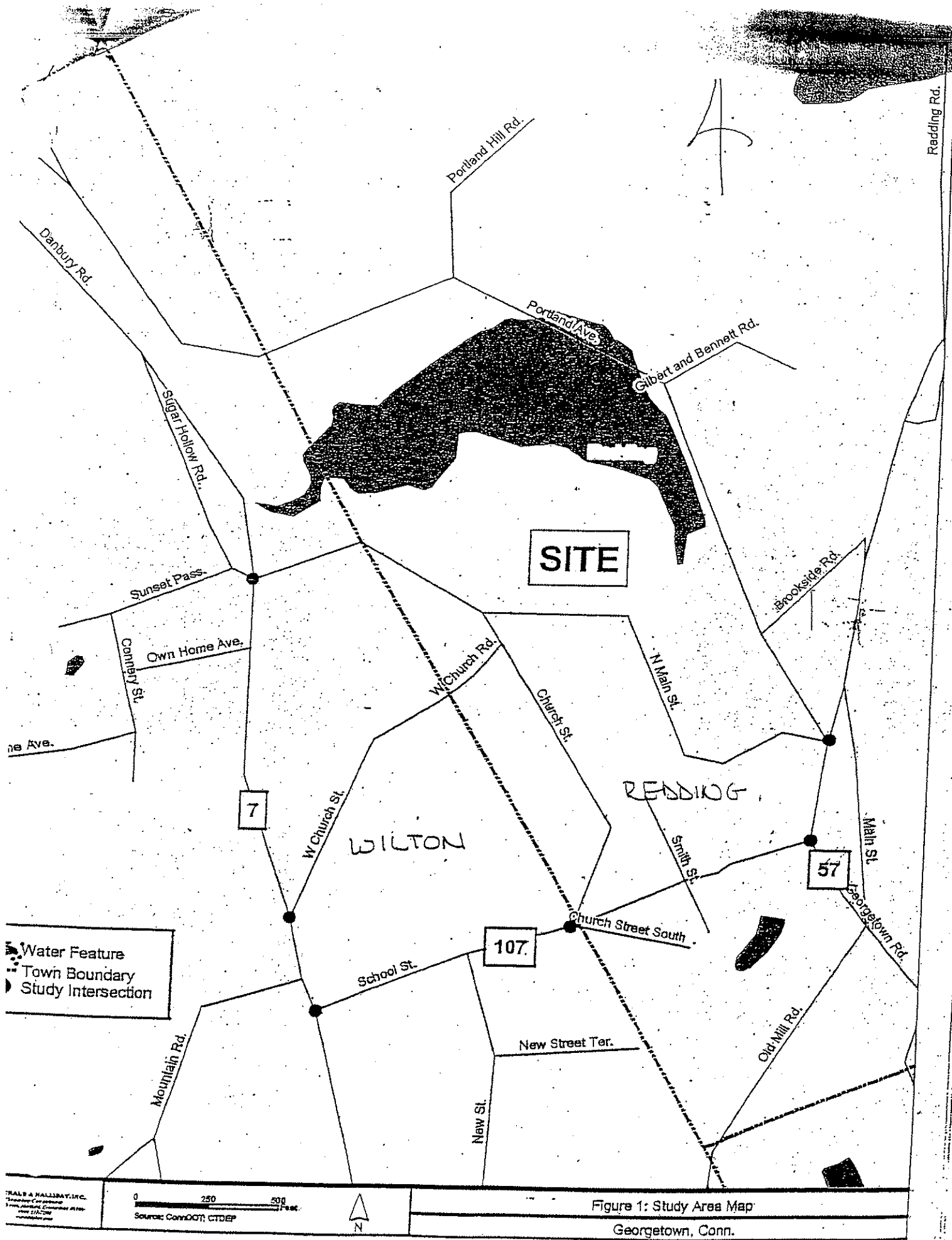
CONNECTICUT DEPARTMENT OF TRANSPORTATION


Judith Almeida, Esq.

Staff Attorney III

Administrative Law Unit

Bureau of Finance and Administration

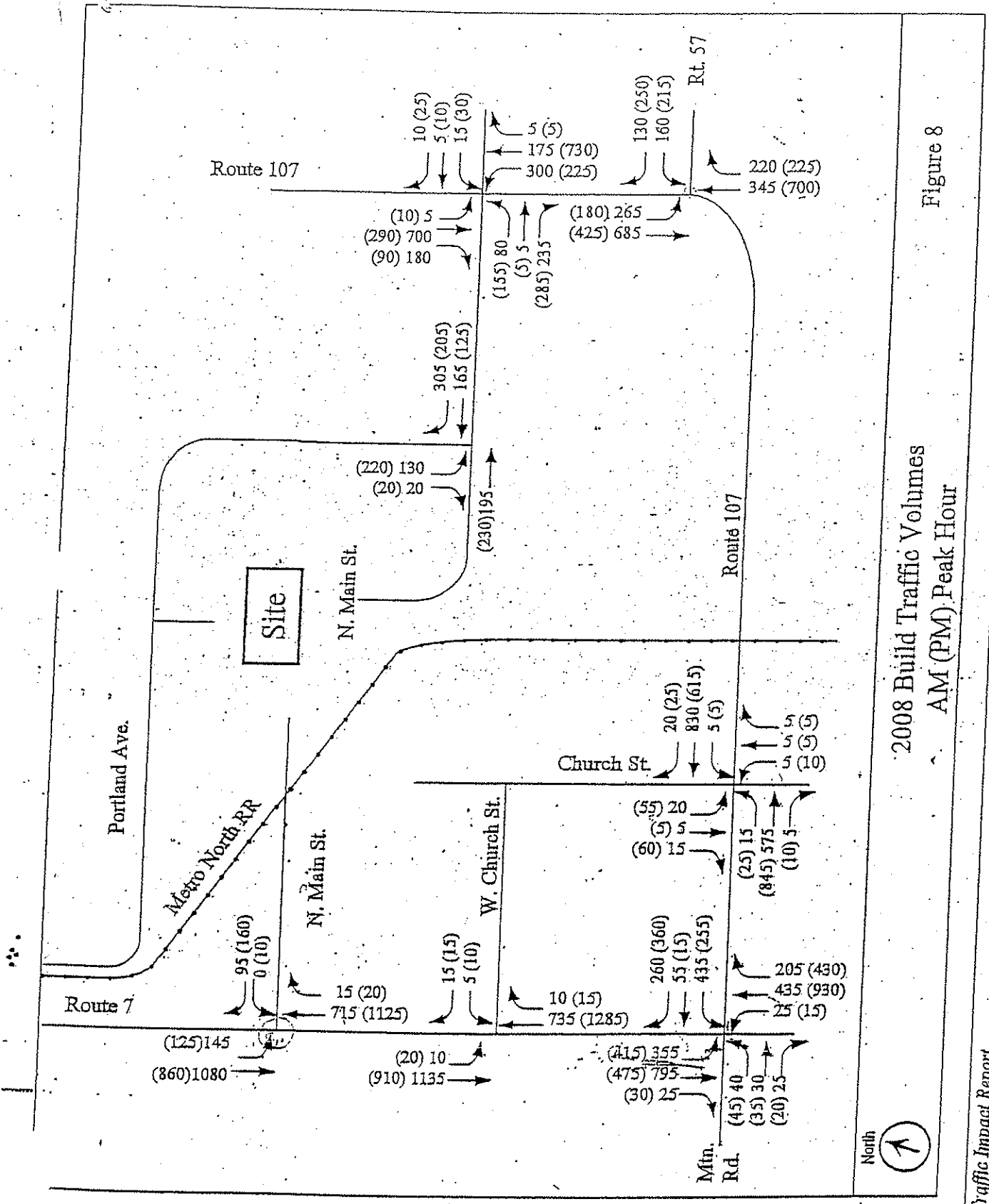


TRAILS & HALLWAY, INC.
Geotechnical Engineering
300 Main Street, Suite 200
Georgetown, CT 06032
www.trailsandhallway.com

0 250 500 Feet
Source: ConnDOT, CTDEP



Figure 1: Study Area Map
Georgetown, Conn.



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TOWN HALL
238 Danbury Road
Wilton, CT 06897

July 28, 2006

Ms. Robbin L. Cabelus, Executive Director
Connecticut Department of Transportation
State Traffic Commission
2800 Berlin Turnpike
Newington, CT 06111

**Subject: Gilbert and Bennett Wire Mill Mixed Use Development
State Traffic Commission Certificate Application (STC No. 116-0508-01)**

Dear Ms. Cabelus:

The Georgetown Land Development Company (GLDC) proposes to build a mixed use development on the site of the old Gilbert and Bennett Wire Mill facility in Redding, CT. Throughout the planning and design process, representatives of GLDC have met periodically with representatives from Wilton to update them on the status and design elements of the project, including the off-site transportation elements located in Wilton. We have also been copied on correspondence between GLDC and the STC throughout the process.

This letter documents my awareness that the proposed rail station platform extends in part into the Town of Wilton. It is my understanding that the platform has shifted partially across the Town line to ensure that it is located on a tangent (straight) portion of the tracks as required by design. It is also my understanding that the platform will be located on State right-of-way. In summary, the Town of Wilton takes no exception to the proposed location of the station platform.

Very truly yours,

Honorable William Brennan
First Selectman, Wilton, CT

cc: Steven Soler GLDC

Report By: GMG Date: 7/06	STATE OF CONNECTICUT DEPARTMENT OF TRANSPORTATION TRAFFIC INVESTIGATION REPORT TO THE STATE TRAFFIC COMMISSION	STC No: 116-0508-01
Checked By: JPO Date: 7/06		Loc. No:
See Previous Traffic Investigation Report No:	Town of Redding	Approved by STC
Requested By: Susan VanBenschoten	Location: Gilbert and Bennett Wire Mill Mixed Use Development	Date: <u>AUG 15 2006</u>
How Requested: Certificate Application	Route 7 and Route 107	<i>Robben L. Cabelus</i>
Date: August 31, 2005	Certificate Not Issued	EXECUTIVE DIRECTOR

Recommendation:

In accordance with Section 14-311 of the Connecticut General Statutes, as revised, it is recommended that the State Traffic Commission (STC) issue a certificate to Georgetown Land Development Company for the Gilbert and Bennett Wire Mill Mixed-Use Development, a 342,076 square foot mixed use development consisting of 416 housing units, 20,000 square feet of restaurant, 95,981 square feet of retail, 67,584 square feet of office space, a 23,000 square foot (20 room) hotel, 84,011 square feet of civic space including a 62,500 square foot YMCA, a 20,000 square foot public safety building, (Redding Police Headquarters), a 199 seat theatre, 31,500 square feet of light industrial space, a railroad platform/station and 5 parking garages with a total of 1,842 parking spaces, located on North Main Street in the Towns of Redding and Wilton stating that the operation thereof will not imperil the safety of the public based on the following conditions:

The requirements refer to the attached plans prepared by the Project Team for Georgetown Land Development Company LLC entitled:

- A. "Overall Site Plan & Roadway Improvement Plan" Sheet No. C-12.0, dated November 29, 2005 revised August 9, 2006.
 - B. "Off-Site Traffic Operations Plan U.S. Route 7 at North Main Street" Sheet No. C-12.1, dated November 29, 2005 revised August 9, 2006.
 - C. "Off-Site Traffic Operations Plan U.S. Route 7 (Norwalk & Danbury Road) at Route 57/107 (School Street)" Sheet No. C-12.2, dated March 8, 2006, revised July 31, 2006.
 - D. "Off-Site Traffic Operations Plan Route 107 at North Main Street" Sheet No. C-12.3, dated March 8, 2006 revised August 9, 2006.
1. That the intersection of Route 7 at North Main Street be reconstructed in substantial conformance with the referenced plans.
 2. That the intersection of Sunset Pass Road and Route 7 be reconstructed to include a physical island to only permit right turns in and right turns out of Sunset Pass Road. Final design plans to be reviewed during the encroachment permit process.

I hereby Certify & Attest this

is a True Copy.

Robben L. Cabelus
Robben L. Cabelus
Executive Director

By:

Bill B.R.
Division of Traffic Engineering
Bureau of Engineering and Highway Operations

3. That a traffic signal be installed on Route 7 at North Main Street. Upon completion of the installation of the signal, the Department of Transportation will review the installation and upon acceptance, assume ownership and maintenance responsibilities. The Town of Wilton will pay for the electricity to operate the signal.
4. That wiring, conduit and hand holes be provided along North Main Street from the proposed traffic signal controller at Route 7 to the railroad right-of-way, for future force off detection should it be determined necessary as a result of safety measure number 8 in Docket No. 0606-R-50-R approved on August 7, 2006.
5. That an easement be secured for the State, at no cost, to place and maintain traffic signal appurtenances on private property at the intersection of Route 7 at North Main Street prior to the issuance of a certificate. Right of Way File No. 161-000-112.
6. That the three drives for the car dealership on the north side of North Main Street in Wilton be consolidated to one driveway as shown on the referenced plans.
7. That all safety measures and orders stipulated in Docket No. 0606-R-50-R (Final Decision) regarding the relocated railroad grade crossing on North Main Street be implemented. (See Attached)
8. That the applicant provide a CommDOT railroad station and platform in accordance with the Department's Office of Rail's requirements.
9. That the parking garage at the railroad station provide 300 designated parking spaces for off-site motorists intending to use the railroad station and platform required by condition number 8.
10. That the Department of Transportation be reimbursed by the Georgetown Land Development Corporation for the cost incurred with the redesign, addendum and/or construction change order of the State Project No. 302-0007; CTC project, associated with the relocation of the railroad/highway at-grade crossing and the construction of the railroad platform station as stated in the Final Decision of the Rail Regulatory Hearing dated August 7, 2006, Docket No. 0606-R-50-R.
11. That the Georgetown Land Development Corporation enter into a railroad force account agreement with Metro North Commuter Railroad for all work necessary with Metro North Commuter Railroad as stated in Docket No. 0606-R-50-R prior to the issuance of an encroachment permit.
12. That the intersection of North Main Street and Portland Avenue be reconstructed in substantial conformance with the referenced plans.
13. That a stop sign and stop bar be provided on North Main Street at the intersection of Portland Avenue.
14. That the intersection of Route 107 at North Main Street/Portland Avenue be reconstructed in substantial conformance with the referenced plans.
15. That a traffic signal be installed on Route 107 at North Main Street/Portland Avenue. Upon completion of the installation of the signal, the Department of Transportation will review the installation and upon acceptance, assume ownership and maintenance responsibilities. The Town of Redding will pay for the electricity to operate the signal.

16. That the intersection of Route 107 and Route 57 (Weston Road) be reconstructed in substantial conformance with the referenced plans:
17. That a traffic signal be installed at the intersection of Route 107 and Route 57 (Weston Road). Upon completion of the installation of the signal, the Department of Transportation will review the installation and upon acceptance, assume ownership and maintenance responsibilities. The Town of Redding will pay for the electricity to operate the signal.
18. That the following traffic signals be coordinated using time base coordination (TBC).
 - Route 107 at Route 57 (Weston Road)
 - Route 107 at North Main Street/Portland Avenue
19. That the intersection of Route 7 at Route 57/107 (School Street) and Mountain Road be reconstructed in substantial conformance with the referenced plans.
20. That the traffic signal be revised at the intersection of Route 7 at Route 57/107 (School Street) and Mountain Road.
21. That approach grades of the driveways and town roads along Route 7, Route 107 and Route 57, affected by the roadway widening noted in this report meet Department of Transportation's standards for intersecting streets or not be increased.
22. That the intersectional sight distances of the driveways and town roads along Route 7, Route 107 and Route 57, affected by the roadway widening noted in this report, meet Department of Transportation's standards for intersecting streets or not be diminished.
23. That signs and pavement markings on Route 7, Route 107, and Route 57 be installed and maintained in substantial conformance with the referenced plans, and in accordance with the "Manual on Uniform Traffic Control Devices," latest edition.
24. That the applicant install two extruded aluminum signs on breakaway supports indicating the route designations and the appropriate lane arrows for Route 7 and Route 57/107 on Route 7 southbound prior to the intersection of Route 107/57. Overhead span mounted signs to supplement these signs shall be installed at the intersections of Route 7 and the Georgetown Plaza and Route 7 at Routes 57/107. Sign details in accordance with the Department's Division of Traffic Engineering's requirements shall be addressed prior to the issuance of an encroachment permit.
25. That intersectional sight distances of the internal roadway network meet the town standards for intersecting streets or not be less than 280 feet measured from a point 15 feet back from the edge of road.
26. That all pavement markings installed on State roads be of epoxy material, or of a material as directed by the Department of Transportation.

27. That all roadway and drainage improvements within the State highway right-of-way be subject to review by the Department of Transportation and all their requirements including those pertaining to maintenance and protection of traffic be satisfied prior to the issuance of an encroachment permit for work within the highway right-of-way.
28. That Routes 7, 107 and 57 be overlaid within the limits of the widening. The extent of the overlay is to be determined by the Department of Transportation's District 3 Office.
29. That all conflicting pavement markings in the area of roadway work be eradicated to the satisfaction of the Department of Transportation.
30. That all work on roadways that are owned and maintained by the Towns of Wilton and Redding be performed in conformance with the standards and specifications of the Towns.
31. That any cutting, removal or pruning of trees, shrubbery or vegetation situated partially or wholly within the limits of the State highway right-of-way be in accordance with Department of Transportation Regulations.
32. That all utility relocations in the State highway right-of-way be at no cost to the State and in accordance with "A Policy on the Accommodations of Utilities on Highway Rights-of-Way."
33. That fencing be installed along the development's frontage on Metro North railroad right of way in accordance with Metro North's fencing requirements.
34. That an encroachment permit be obtained from the Department of Transportation's District 3 Office prior to performing any work within the State highway right-of-way. The permit forms must include the applicable detailed construction plans.
35. That prior to the issuance of a Certificate, a bond be posted and maintained in the amount of \$10,390,000 (\$4,390,000 for roadway and railroad crossing relocation; \$6,000,000 for railroad station and platform) to cover the costs of satisfying the conditions of this report. Upon submission of the final design plans, the dollar amount of this bond may be adjusted either upward or downward during the encroachment permit review process.
36. That prior to the issuance of a Certificate, a copy of this report and Docket No. 0606-R-50-R be recorded on the municipal land records in the towns of Redding and Wilton in accordance with the attached procedure. A copy of the Certificate shall be recorded on the land records upon issuance.
37. That the STC reserves the right to require additional improvements or changes, as deemed necessary, due to the development's traffic in the future. The cost of any additional improvements or changes shall be borne by the owner of the development.

Ms. Susan VanBenschoten, the applicant's authorized representative, concurred with the above recommendations with the exception of condition number 35 on August 11, 2006. She was not in agreement with the preliminary engineering estimate for the bond amount required to cover the costs of satisfying the conditions of this report.

Chief Douglas Fuchs, the Legal Traffic Authority for the Town of Redding, concurred with the above recommendations with the exception of condition number 14 on August 11, 2006. This condition refers to the widening of Route 107 in the vicinity of North Main Street. Although the Chief is in agreement with the roadway lane layout, he would like to have a raised median on Route 107 if conditions change to allow for the additional roadway work.

Chief Edward Kulhawik, representative for the Legal Traffic Authority for the Town Wilton, concurred with the above recommendations on August 10, 2006.

Report of Findings
Towns of Redding and Wilton
Route 7
Gilbert and Bennett Wire Mixed Use Development
Traffic Investigation Report No. 116-0508-01

Site:

The proposed development will be located in the towns of Redding and Wilton on the site of the old Gilbert and Bennett Wire Factory in an area known as Georgetown, Connecticut. The site is bordered by Portland Avenue and North Main Street in the towns of Redding and Wilton. The development consists of mixed uses containing 416 housing units, 20,000 square feet of restaurant, 95,981 square feet of retail, 67,584 square feet of office space, a 23,000 square foot (20 room) hotel, 84,011 square feet of civic space including a 62,500 square foot YMCA, a 20,000 square foot public safety building, a 199 seat theatre, 31,500 square feet of light industrial space, a railroad platform/station and 5 parking garages. The development will have a total of 342,076 square feet with 416 housing units and 1,842 parking spaces.

Access to the site is provided off of Route 7 from North Main Street and off of Route 107 from North Main Street and Portland Avenue. Both North Main Street and Portland Avenue are owned and maintained by the municipalities. The internal roadway network will be privately owned and maintained.

Generated Site Traffic:

The submitted site generated traffic diagram is attached. The submitted volumes have been reviewed and approved by the Department's Bureau of Policy and Planning.

Accident Experience:

The site frontage is along municipal owned roads, North Main Street and Portland Avenue. The towns have indicated that no significant accident patterns have been noted along these streets in the vicinity of the proposed development.

Two accidents occurred on Route 7 at North Main Street. One was a southbound rear end accident and one was a northbound accident involving an animal. Five accidents occurred at the intersection of Route 7 at Sunset Pass Road. Three of these accidents were rear ends and the other two accidents involved animal hits. No significant accident pattern was found to exist.

Seven accidents occurred on Route 107 at North Main Street. Four were turn intersecting accidents, two were angle accidents and one was a rear end accident. The proposed traffic signal is expected to reduce the turn intersecting and angle type accidents.

Department of Transportation Projects in the Area:

State Project No. 302-0007, the CTC Signal System, includes a remote control of train movements and switches from Metro-North's Control Center in Grand Central Terminal, New York. The sidings at Norwalk, Wilton, Branchville, Bethel and Danbury will function as fully automatic control points (CP's). Signals at these sidings will be GO-NO-GO signals similar to those now in use on the New Haven Mainline. These signals indicate to a train to stop or proceed based on the onboard cab signal indications. The signals and switches are interlocked for positive control of train moves. The branch will be electrically segmented into approximately one mile long blocks which provide the cab signal indication based on conditions of the track ahead. Presently the design completion date is scheduled for October 2006.

Department of Transportation Review Comments:

Route 7 at North Main Street

Due to the relocation of the at grade crossing on North Main Street, the intersection of Route 7 at North Main Street will be signalized. The need for railroad pre-emption was evaluated. Based on the approved traffic volumes and the geometric modifications to include two egress lanes on North Main Street, a southbound Route 7 left turn lane and two northbound Route 7 lanes, it was determined that railroad pre-emption was not needed at this time. The Department's Rail Regulatory Unit requested that conduit be placed along North Main Street for possible future use if pre-emption becomes necessary in the future.

Although analysis of the projected volumes has indicated that the westbound approach of North Main Street at its intersection with Route 7 is not expected to queue back to the railroad crossing, there is a concern that queuing could be problematic if volumes in excess of those predicted result, once the facility is open. Therefore, the owner will perform a queuing study at the intersection of Route 7 and North Main Street six months after the opening of the development. If the study determines that queuing is a concern, the owner will be required to install a "force-off detector" for the westbound approach of North Main Street.

The relocated railroad crossing will have lights and gates. One set of lights and gates will be located on the property owned by the Town of Redding. Docket No. 0606-R-50-R requires that the Town of Redding deed this land to the State of Connecticut, at no cost, to place and maintain railroad vehicular gates at the southwest quadrant of the relocated railroad crossing, prior to the issuance of an encroachment permit. The Right of Way File Number for this property is 116-000-86.

In proximity to North Main Street a local road intersects Route 7 from the west, Sunset Pass Road. Another town road, Sugar Hollow Road, intersects Sunset Pass Road very close to the Route 7 and Sunset Pass Road intersection. The developer approached the town of Wilton and recommended turn restrictions into or out of these roads from Route 7, to better accommodate traffic movements at the signal being installed at North Main Street. The Town of Wilton has agreed to the limiting of access for Sunset Pass Road to rights in and rights out only. Although not shown on the referenced plans, the applicant will provide a raised island to physically prohibit lefts into and out of the intersection of Sunset Pass Road.

The Department has expressed concern regarding the traffic signal installation at this location in terms of available right-of-way for the traffic signal appurtenances on the west side of Route 7. The developer's engineers have indicated that right-of-way will not be a concern during the installation of the traffic control signal.

Route 7 at Route 107 / Route 57 at the Georgetown Plaza Drive

This intersection is at or over capacity during peak hours. The town of Wilton has expressed concern in the past regarding the Route 7 southbound left turns into West Church Street, the Georgetown Plaza, and Route 107/Route 57. It was suggested that the traffic signal at the Georgetown Plaza be relocated to West Church Street. This would provide for more left turn storage at the intersection of Route 107/57 and still provide access to the plaza. The owner of the plaza was contacted by the applicant's engineer and was not willing to

support this suggestion. The developer will be installing lane designation signing for Route 7 and Route 107/57. This should assist motorists in determining the proper lane for turning. Overhead signing for the lane designation on this approach was considered. However, appropriate locations for the overhead sign support could not be identified within the state highway right-of-way.

Two Route 7 northbound through lanes from Route 107 northerly to north of the North Main Street intersection would be beneficial from a capacity standpoint. However, the right-of-way south of North Main Street is a constraint. If the two lanes were constructed there would be significant impacts on the adjacent properties. The plans as approved under this report provide adequate storage at the intersections and have the appropriate tapers for the speeds.

Route 107 at North Main

This intersection is being signalized under the developer's proposal. The Town of Redding requested that a median be considered along this section of Route 107 with additional street lighting and textured crosswalks. The request was made for traffic calming purposes and pedestrian safety. The applicant's engineer explored the possibility of installing a median on Route 107. There is a repair garage located on the northeast corner of the intersection of Route 107 at North Main Street that would be negatively impacted by the roadway widening necessary to provide the median. It is the Division of Traffic's understanding that the Town is discussing the possibility of acquiring this property. If the property is acquired then the Town would like to negotiate with the Georgetown Land Development Corporation for the installation of the median. The textured crosswalks will be maintained by the Town of Redding.

The referenced plan indicates a painted double yellow centerline island on Route 107 north of North Main Street. This island would preclude access to and from the garage parcel. The painted island will be revised under the encroachment permit process.

Portland Avenue at North Main Street

This intersection was originally proposed to be signalized. The Department did not agree with signalization at this location due to the proximity of the proposed signalized intersection and Route 107 at North Main Street. The applicant agreed to realign North Main Street and Portland Avenue to eliminate the need for signalizing this intersection and to limit the impacts to the Veterinarian Building.

Train Station and Platform

The developer has proposed construction of a commuter train station and platform as part of the development. Construction of the station requires the relocation of the Metro North grade crossing at North Main Street, Crossing #500583U. The crossing will be relocated 579 feet north of its current location. The station and platform details are under design and will be evaluated in the future. The Department's Office of Rails will assist the developer on the layout of these structures.

State Project No. 302-0007

As a result of relocating the at-grade railroad crossing on North Main Street, the developer is responsible for the costs to modify State Project No. 302-0007, the railroad CTC Signal System. The state project was designed prior to the developer receiving approval to relocate the crossing. The developer's responsibility in terms of the construction costs will be time dependent. If the state project is still in the construction phase at the time of the redesign, the contractor may be able to modify his work by construction change order. However, if the state's contractor has completed his work, the developer will be responsible for all work (both the design and construction) needed to modify the CTC Signal System. If the developer relocates the crossing prior to the start of the Danbury CTC signal contract, then there will be some elements of the new crossing that will have to be modified to incorporate the crossing into the CTC system. The Office of Rail cannot determine these additional costs at this time, but they estimate them to be significant. The unknown cost of this scenario has not been included in the bond. If the developer plans to relocate the crossing as part of the CTC project, then most of the duplicate effort can be eliminated and therefore, reduce the costs.

Railroad Force Account

Docket No. 0606-R-50-R and condition number 11 of this report refer to a railroad force account. This force account is necessary to have money available for Metro North Commuter Railroad to assess the work being done on or in the vicinity of the railroad tracks.

Pedestrian Bridge

Pedestrian access is being provided to Old Mill Road by way of a pedestrian bridge. The bridge touches down on an easement controlled by the Town of Redding. The applicant's engineer has made the Town aware that public right of way will be necessary to build the bridge and provide a connection to Old Mill Road. The Town is actively working towards the acquisition of the necessary public right of way.

Conclusions:

The development is acceptable to the Department and the Towns of Redding and Wilton.



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
NEW ENGLAND DISTRICT, CORPS OF ENGINEERS
696 VIRGINIA ROAD
CONCORD, MASSACHUSETTS 01742-2751

REC'D 2/14/07

February 8, 2007

Regulatory Division
CENAE-R-PEB
Permit Number: NAE-2006-4068

Terrance Gallagher
Tighe & Bond
100 Bridgeport Avenue, suite 320
Shelton, Connecticut 06484

Dear Mr. Gallagher:

We have reviewed your filing on behalf of Georgetown Land Development Company to disturb approximately 1770 square feet of waters of the United States by temporarily placing sandbags in the Norwalk River as part of your plans to redevelop the Gilbert & Bennett Wire Mill in Redding, Connecticut. The proposed work is described in your February 2, 2007 letter, and was discussed in a pre-application meeting at our office on November 29, 2006.

Based on the information you have provided, we have determined that the proposed activity, which includes a discharge of dredged or fill material into waters or wetlands, will have only minimal individual and cumulative impacts on waters of the United States, including wetlands. Therefore, this work is authorized as a Category I activity under the attached Federal permit known as the Connecticut Programmatic General Permit (PGP). This work must be performed in accordance with the terms and conditions of the PGP.

You are responsible for complying with all of the PGP's requirements. Please review the attached PGP carefully, in particular the PGP conditions beginning on Page 10, to familiarize yourself with its contents. You should ensure that whoever does the work fully understands the requirements and that a copy of the permit document is at the project site throughout the time the work is underway.

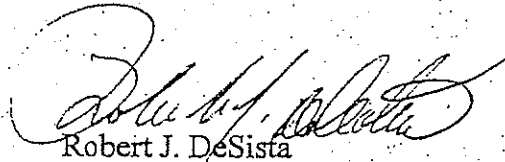
The PGP provides one year for completion of work that has commenced or is under contract to commence prior to this PGP's expiration on May 31, 2011. For work within Corps jurisdiction that is not completed by May 31, 2012, you will need to review any reissued PGP to see if your project is still authorized under Category I. If it is no longer authorized, you must submit an application and receive written authorization before you can proceed.

This permit does not obviate the need to obtain other Federal, state, or local authorizations required by law, as listed on Page 2 of the PGP. Performing work not specifically authorized by

this determination or failing to comply with all the terms and conditions of the PGP may subject you to the enforcement provisions of our regulations.

Please contact Bill Mullen of my staff at (978) 318-8559 if you have any questions.

Sincerely,

A handwritten signature in dark ink, appearing to read "Robert J. DeSista", written in a cursive style.

Robert J. DeSista
Chief, Permits & Enforcement Branch
Regulatory Division

Attachment

12-3341-20-02A
February 2, 2007

Mr. William Mullen and Mr. Robert DeSista
U.S. Army Corps of Engineers
New England District Headquarters
696 Virginia Road
Concord, Massachusetts

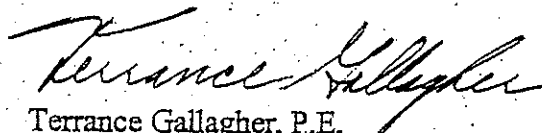
Re: **Georgetown Land Development Company**
Redding, Conn.

Dear Mr. Mullen & Mr. DeSista,

We are following up on our earlier meeting on Nov. 29th, 2006 regarding the need for a wetlands permit from the Corps. Floodplain improvements along the Norwalk River are proposed as part of the redevelopment of the Gilbert & Bennett Wire Mill. Approximately 500 linear feet of the river will be daylighted when that portion of the former mill is demolished. No activities at the North Main St. dam (the small dam downstream of North Main Street) are proposed, which is less disturbance than we discussed previously.

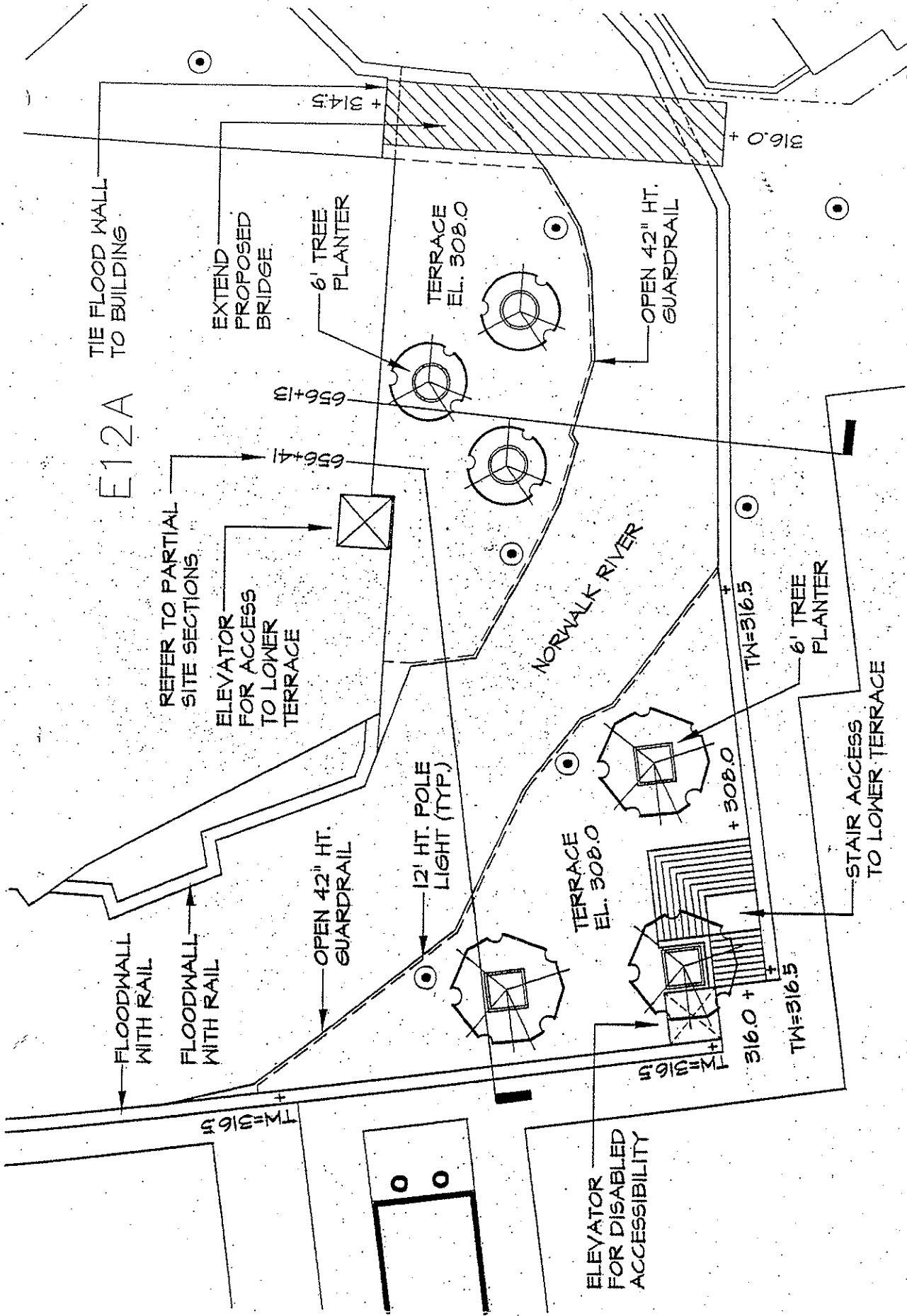
No fill will be placed within the channel. A total of 1,770 square feet of temporary disturbance will be required for sandbagging when the building columns are being removed from the river. The footings will remain in place to avoid disturbing the channel bed, in accordance with our CT DEP approvals. The channel wall will be widened in two places on the landward side of the existing flood walls. The existing sheet pile walls will act as a cofferdam while the new walls are constructed, and then the old walls will be removed. Attached are copies of plans and sections showing the proposed activities. As discussed earlier, these activities would qualify under Category 1 of the General Permit, and we are requesting a confirmation letter from the Corps after you have had a chance to review the enclosed information. If there are any questions or comments please do not hesitate to call. Thank you for all your assistance.

Yours truly,
TIGHE & BOND


Terrance Gallagher, P.E.
Project Manager

enc: Earthwork Qty's, CLOMR 1 & 2, JCA river sections
cc: David Cameron, T&B, Matt Popp, Environmental Land Solutions
Stephen Soler, Mark Javello & Scott Harrison, Georgetown Land Development Company

TG:FANTData\12-3341\Administration\Permitting\US-ACOE\LTR-123341-ACOE 2-2-07 TG.doc



ITERATION 22

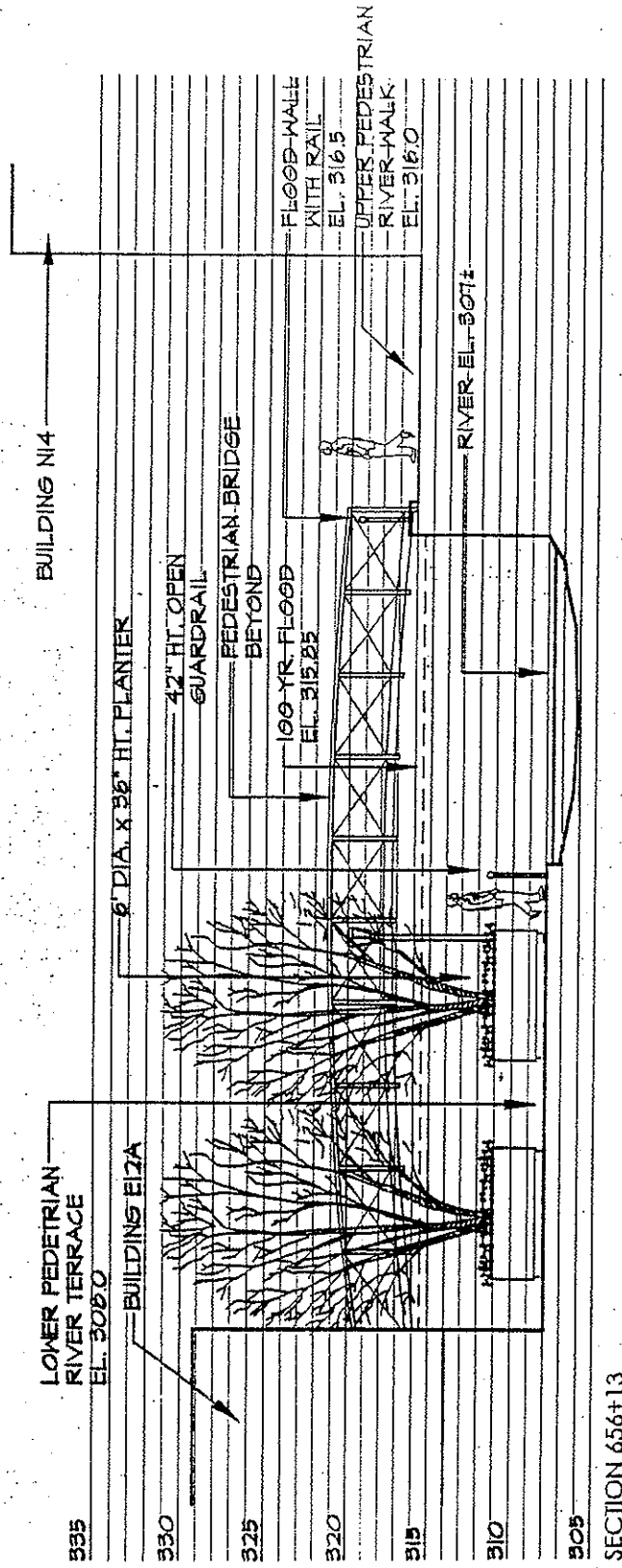
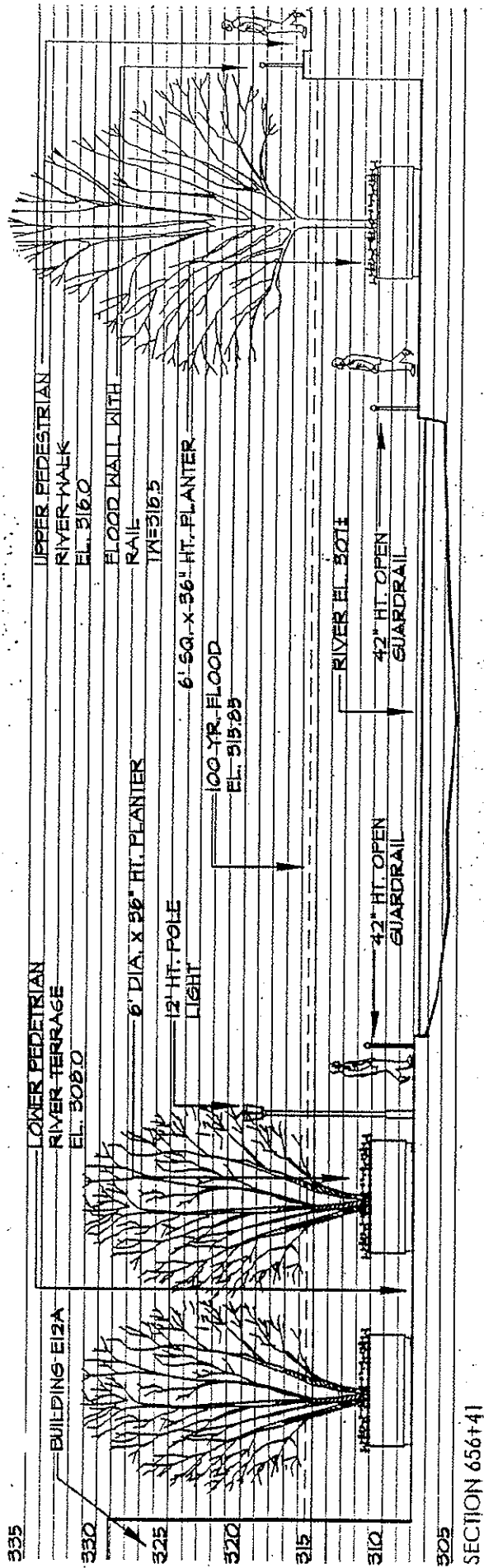
Georgetown Land Development

PARTIAL SITE PLAN

11 January 2007

Jack Curtis & Associates
Landscape Architects

SCALE= 1" = 20'-0"



Jack Curtis & Associates
Landscape Architects

Georgetown Land Development

PARTIAL SITE SECTIONS

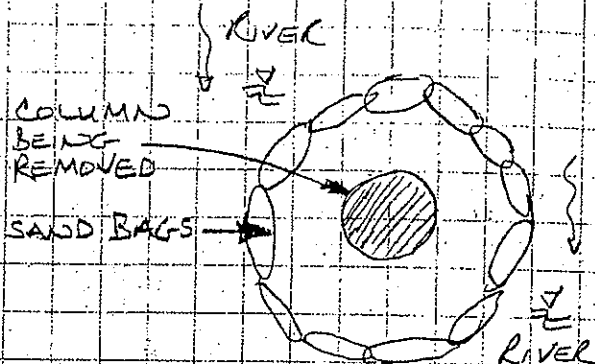
SCALE= 3/32"=1'-0"

11 January 2007

ITERATION 22

ESTIMATE AREA OF TEMPORARY DISTURBANCE DUE TO SAND BAGGING AROUND COLUMNS WHEN THEY ARE REMOVED FROM RIVER BED

- (A) - 1/4 END OF MILL
SEC 661+46.56 → 659+81.85
8 PIERS @ 30 SF/PIER = 240 SF



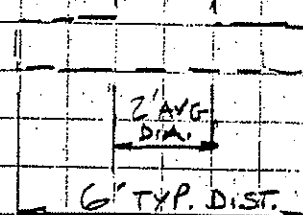
- (B) BIG PIER BY RACEWAY
SEC 659+81.85 → 658+89.07
10' x 90' PIER ∴ 14' x 94' SAND BAG
14' x 94' = 1316 SF ≈ 1350 SF



- (C) D/S END OF MILL
SEC 658+89.07 → 657+89.07

7 PIERS x 30 SF/PIER = 210 SF

TOTAL DISTURBANCE = (A) + (B) + (C)
A_{TOTAL} = 240 + 1350 + 210 = 1770 SF



A_{TOTAL} = 1770 SF < 5000 SF

$A_{PIER} = \frac{\pi D^2}{4} = \frac{\pi (6')^2}{4}$

$A_{PIER} = 28.3 SF \approx \underline{30 SF/PIER}$

∴ CATEGORY 1 ACOE GENERAL
PERMIT APPLIES & NO PERMIT
IS REQUIRED

NOTE: THERE IS NO ACTIVITY PROPOSED AT THE NORTH MAIN
ST DAM WITH THE CURRENT PROPOSAL.



Slayback & Popp Associates
Environmental Land Solutions, LLC
Environmental Analysis, Landscape Architecture & Planning

October 6, 2006

John Block, P.E.
Tighe & Bond
1000 Bridgeport Ave., Suite 320
Shelton, CT 06484

Re: Programmatic General Permit (PGP), Army Corps of Engineers (ACOE)
Gilbert & Bennett Wire Mill Property, Redding, CT

Dear John Block:

Based on our environmental assessment, dated November 30, 2005, the Georgetown Land Development Company, LLC (GLDC) is proposing following activities within regulated areas (inland wetlands and waterbodies) on the subject site:

1. Building of riprapped points for stormwater discharge to be installed at 9 points.
2. Removal of the existing building by the dam which spans the Norwalk River.
3. Installation of a portion of the pedestrian walk through wetland soil areas.
4. Regrading and installation of riprap along the Norwalk River near the northwest end of the site adjacent to the proposed single family residences.
5. Installation of native plantings along the wetland line on the southern side of the ponded portion of the river.
6. Replanting of the lawn areas on the north rim of the pond to water's edge with native plantings. This new buffer will be approximately 60' wide.
7. Lowering of the sheet piling by the lake for visual enhancement purposes.

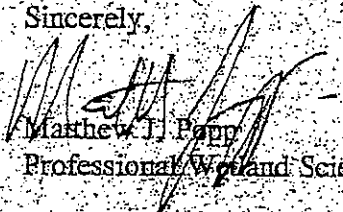
The GLDC project complies with the following Category I ACOE PGP criteria:

1. The project involves less than 5,000 square feet (sf) of inland wetlands, waterways and/or wetland fill and secondary impacts. Secondary effects are effects on an aquatic ecosystem that are associated with a discharge of dredged or fill materials, but do not result from the actual placement of the dredged or fill material. Secondary impacts include draining, dredging, flooding, clearing, or degrading of wetland/watercourse areas.
2. The project area contains no Special Wetlands.

3. The project area contains no known populations of threatened, endangered, or species of special concern. See attached letter.
4. The project area contains no significant natural communities identified by the CT Natural Diversity Data Base.
5. No Water Diversion Permit is required by the project.
6. The project involves no dam construction.
7. No fill is placed within the floodway.
8. Studies by your firm indicate that proposed fill placed within the floodplain will not adversely affect the hydraulic characteristics of the floodplain.
9. The project does not detain or store water within a wetland or watercourse.

Category I projects may proceed without application or notification to the ACOE. Please call me if you have any questions.

Sincerely,


Matthew J. Papp
Professional Wetland Scientist

north-main-1-georgetown-acoe.ltr

C-3341-11-02
October 12, 2006

Mr. Mark Javello
Georgetown Land Development Company, LLC
One North Main Street
Georgetown, CT 06829

Re: Georgetown Redevelopment
Project - Evaluation of
Federal Clean Water Act
Applicability

Dear Mr. Javello:

At your request, Tighe & Bond (in August of 2005) reviewed the grading plans for the above-referenced project. The purpose of the review was to determine if the extent of proposed wetlands and waterways activities at the site will trigger formal review by the U.S. Army Corps of Engineers. Section 404 of the Clean Water Act applies to inland wetlands and waterways. As this the reach of the Norwalk River adjacent to the site is not tidal, and not otherwise defined by the Corps as a *Navigable Water of the United States*, it is not subject to Section 10 of the Rivers and Harbors Act of 1899. This letter provides a formal summary of the jurisdictional evaluation, which was originally presented to you in memorandum format in August 2005.

Proposed Impacts

The following two activities that are proposed were analyzed for Section 404 jurisdictional applicability:

1. Roughly 2000 linear feet of stone masonry or similar façade will be applied to the existing sheet piles and concrete retaining walls that contain the Norwalk River as it flows through the site; and
2. Roughly 4300 square feet of inland vegetated wetlands will be subject to the construction of an elevated pedestrian path (i.e., wooden boardwalk).

Clean Water Act Permitting Requirements

Section 404 of the Clean Water Act regulates the "discharge of dredged or fill material" into *Waters of the United States*, including inland wetlands. "Discharge of fill material" is defined at 33 CFR 323.2(6)(f):

".. Discharge of fill material means the addition of fill material into Waters of the United States. The term generally includes, without limitation, the following activities: Placement of fill that is necessary for the construction of any structure or infrastructure in a Water of the United States; the building of any structure, infrastructure, or

impoundment requiring rock, sand, dirt, or other material for its construction; site-development fills for recreational, industrial, commercial, residential, or other uses; causeways or road fills; dams and dikes; artificial islands; property protection and/or reclamation devices such as rip rap, groins, seawalls, breakwaters, and revetments; beach nourishment; levées; fill for structures such as sewer treatment facilities; intake and outfall pipes associated with power plants and subaqueous utility lines; placement of fill material for construction or maintenance of any liner, berm, or other infrastructure associated with solid waste landfills; placement of overburden, slurry, or tailings or similar mining-related materials; and artificial reefs...

A strict reading of this section of the regulations alone would suggest both the façade and boardwalk are activities constituting a discharge of fill material that would be subject to the Corps jurisdiction. However, 33 CFR 323.2 (6)(e)(1) states:

"...the term fill material [alone] means material placed in Waters of the United States where the material has the effect of:

- (i) Replacing any portion of a Water of the United States with dry land; or*
- (ii) Changing the bottom elevation of any portion of a water of the United States*

Based on this section of the definition for "fill material", it appears the installation of the façade would only be subject to Corps review if it were to result in a change in the bottom elevation of the river (even temporarily, such as through the placement of dewatering structures in order to facilitate the façade installation). In the context of the site's existing conditions, the façade will effectively act as a veneer over artificial river banks that provide no significant aquatic habitat. It is unlikely the Corps would assert this vertical veneer is a fill that constitutes new "dry land."

Regarding the pedestrian footpath, the following provision exists for pilings, which we understand would be the only potential "fill" involved for that element of the project:

33 CFR 323.3(c) - Pilings

"(2) Placement of pilings in Waters of the United States that does not have or would not have the effect of a discharge of fill material shall not require a Section 404 permit. Placement of pilings for linear projects, such as bridges, elevated walkways, and powerline structures, generally does not have the effect of a discharge of fill material. Furthermore, placement of pilings in Waters of the United States for piers, wharves, and individual houses on stilts generally does not have the effect of a discharge of fill material. All pilings, however, placed in Navigable Waters of the United States ...require authorization under Section 10 of the Rivers and Harbors Act of 1899..."

Summary

- The proposed pedestrian footpath, if consistent with the construction and design scenario outlined above, is not subject to regulation by the Corps;

- The façade for the retaining walls of the river should not categorically be considered a jurisdictional fill material if the installation of said walls involves no placement of fill (temporary or permanent) or other change in the bottom elevation of the river; and
- Notwithstanding the two bullets immediately preceding, the extent of impacts - should they even be considered jurisdictional by the Corps - appear to qualify as a Category I (i.e., non-reporting) activity as outlined in the Corps' Connecticut Programmatic General Permit (PGP).

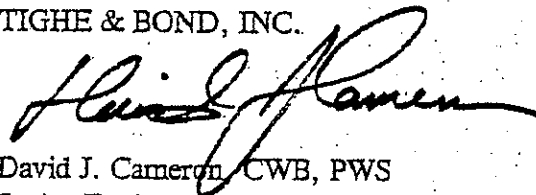
As the project moves forward, please consider the following:

1. Though rare, and not likely to occur for this project, the Corps can at any time invoke "Discretionary Authority" and require regulatory review if it believes the direct or cumulative effects of a project would result in a significant impact to the aquatic environment; and
2. The wetland boundary as shown on the plans we reviewed last year was not labeled as to its applicable regulatory program. If this represents a delineation boundary based on the accepted Connecticut methodology (i.e., soils only), it is possible the legal boundary of *Waters of the United States* - from which the Corps' jurisdiction stems - is entirely different, as the latter methodology is based on soils, as well as vegetation and field indicators of hydrology. The Corps' 3-parameter approach generally results in "tighter" (i.e. less expansive) wetland limits. Should the design of the footpath be changed in terms of size or need for fill material, or should other areas of the site be subject to additional wetland alteration, a re-visitation of the wetland boundary using the 3-parameter approach should occur so that potential Corps jurisdiction can be adequately determined.

If you have any questions or need additional information please do not hesitate to contact me at (413) 572-3218.

Very truly yours,

TIGHE & BOND, INC.



David J. Cameron, CWB, PWS
Senior Environmental Scientist

J:\C\3341\Mr\ACOE Jurisdiction Evaluation.doc

Copy: John Block, Tighe & Bond

Georgetown Project – Wetlands/Waterways Permitting

To: John Block
FROM: Dave Cameron
COPY:
DATE: August 2, 2005

At your request, I reviewed the grading plans for the above-referenced project. The purpose of the review was to determine if the extent of proposed wetlands and waterways activities will trigger formal review by the U.S. Army Corps of Engineers – under Section 404 of the Clean Water Act. Section 404 of the Clean Water Act applies as this reach of the Norwalk River is not tidal, and not otherwise defined by the Corps as a *Navigable Water of the United States* subject to Section 10 of the Rivers and Harbors Act of 1899.

Proposed Impacts

The following two activities that are proposed were analyzed for Section 404 jurisdictional applicability:

1. Roughly 2000 linear feet of stone masonry or similar façade will be applied to the existing sheet piles and concrete retaining walls that contain the Norwalk River as it flows through the site.
2. Roughly 4300 square feet of inland vegetated wetlands will be subject to the construction of an elevated pedestrian path (i.e., wooden boardwalk).

Clean Water Act Permitting Requirements

Section 404 of the Clean Water Act regulates the “discharge of dredged or fill material” into *Waters of the United States*, including inland wetlands. “Discharge of fill material” is defined at 33 CFR 323.2(6)(f):

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associated with solid waste landfills; placement of overburden, slurry, or tailings or similar mining-related materials; and artificial reefs...

A strict reading of this section of the regulations alone would suggest both the façade and boardwalk are activities constituting a discharge of fill material that would be subject to the Corps jurisdiction. However, 33 CFR 323.2 (6)(e)(1) states:

"...the term fill material [alone] means material placed in Waters of the United States where the material has the effect of:

- (i) Replacing any portion of a Water of the United States with dry land; or*
- (ii) Changing the bottom elevation of any portion of a water of the United States*

Based on this section of the definition for "fill material", it appears the installation of the façade would only be subject to Corps review if it were to result in a change in the bottom elevation of the river. In the context of the site's existing conditions, the façade will effectively act as a veneer over artificial river banks that provide no significant aquatic habitat. It is unlikely the Corps would assert this vertical veneer is a fill that constitutes new "dry land."

Furthermore, regarding the pedestrian footpath, the following provision exist for pilings – which - presumably would be the only potential "fill" involved for that portion of the project:

33 CFR 323.3(c) – Pilings

"(2) Placement of pilings in Waters of the United States that does not have or would not have the effect of a discharge of fill material shall not require a Section 404 permit. Placement of pilings for linear projects, such as bridges, elevated walkways, and powerline structures, generally does not have the effect of a discharge of fill material. Furthermore, placement of pilings in Waters of the United States for piers, wharves, and individual houses on stilts generally does not have the effect of a discharge of fill material. All pilings, however, placed in Navigable Waters of the United States ...require authorization under Section 10 of the Rivers and Harbors Act of 1899..."

Summary

- The proposed pedestrian footpath, if consistent with the construction and design scenario outlined above, is not subject to regulation by the Corps – regardless if its footprint exceeds 5000 square feet; and
- The façade for the retaining walls of the river would not categorically be considered a jurisdictional fill material if their installation involves no fill to or other change in the bottom elevation of the river.

Other Points

As the project moves forward, please consider the following:

1. Though rare, and not likely to occur for this project, the Corps can at any time invoke "Discretionary Authority" and require regulatory review if they believe the direct or

~~CONFIDENTIAL~~

cumulative effects of a project would result in a significant impact to the aquatic environment.

2. The wetland boundary as shown on the plans is not labeled as to its applicable regulatory program. If this represents a delineation boundary based on the accepted Connecticut methodology (i.e., soils only), it is possible the legal boundary of *Waters of the United States* - from which the Corps's jurisdiction stems - is entirely different, as the latter methodology is based on soils, as well as vegetation and field indicators of hydrology. The Corps's 3-parameter approach generally results in "tighter" (i.e. less expansive) wetland limits. Should the design of the footpath be changed in terms of size or need for fill material, or should other areas of the site be subject to additional wetland alteration, a revisitation of the wetland boundary using the 3-parameter approach should occur so that potential Corps jurisdiction can be adequately determined.

Please contact me if you have any questions.

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